

## Introduction

Community Development Block Grant (CDBG) funded water and sewer improvements usually involve the installation or replacing of utility lines on the properties of existing or future customers. The donation of easements for these lines is a cost saving mechanism to successfully provide your community with safe water or safe waste disposal. To familiarize you with the donation process, we have prepared this informational brochure.

The donation of an easement, where federal funds are involved in a project, are governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. It is commonly referred to as the Uniform Act. The procedures under the Act can be separated into five steps. They are:

1. Notice of Project
2. Notice of Uniform Act Rights
3. Donation & Recording Easement
4. Negotiation, if necessary
5. Eminent Domain, if necessary

## Notice of Project

This easement brochure is your notice of our jointly funded CDBG public facility project and of our need for your easement as part of this project. To make the project more cost effective for all residents, you are respectfully asked to donate your easement for the benefit of this project.

## Notice of Uniform Act Rights

Under the Uniform Act, an easement owner has three basic rights:

1. Just Compensation
2. Appraisal & Review Appraisal
3. Right to Accompany Appraiser

Appraisals are not required for easements valued under \$2,500, but a determination of market value must be made and documented.

## Donations

An owner may donate their easement for this project after being informed of the above rights.

The donation procedure is a very important tool for public agencies, since most have limited resources. Often, the value of the easement donation is more than offset by the future benefits received by the owner from the publicly owned water or sewer utility that will be provided

Easement owners, after having been informed of their Uniform Act rights, are asked to waive those rights and to donate their easement to the project. After agreeing to donate, the easement owner will be asked to sign a Waiver of both Just Compensation and Appraisal rights, and to formally record the easement at the County Recorder of Deeds. The city, county, or district will pay recording fees.

## Negotiation

Although an easement owner is not required to donate to receive the specific water or sewer service provided by the project, we strongly encourage donation for the public good. If you decide instead to request just compensation, you may accept the city's offer of just compensation based on either the appraisal or the determination of value, or make a counter offer. In fairness to both property owners and taxpayers, offers must be based on the facts and not on one's ability to negotiate. If you present additional facts or items of value that were not considered in any valuation or your property, an adjustment will be considered and a revised offer may be presented to you. If the amount of just compensation cannot be reached through negotiation, then the laws of condemnation/eminent domain will have to be exercised by the city, county, or district.

## Condemnation/Eminent Domain

The state statutes allow a city, county, or district to acquire an easement by exercising their statutory right of condemnation. This process is initiated by the public agency filing a condemnation petition. If the court determines that the petition is proper, then three condemnation commissioners will be appointed to determine the value of the easement. The court-appointed commissioners, after considering the facts, make their determination of value and file their report with the clerk of

the court. After their report is filed with the court, the local public agency must deposit the amount established by the commissioners with the circuit clerk. Exceptions to the commission's easement value may be filed by either the property owner or the public entity within 10-days of the filing the report, otherwise their amount of just compensation becomes final.

## Conclusion

We strongly encourage you to donate your easement for the success of this project. Your donation will result in a more cost-effective public benefit to you and all of the users of this public facility project.

If you have any additional questions after reading this brochure, please contact the organization listed below:

Agency: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Office Hours: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

## **State of Missouri Department of Economic Development State CDBG Program**

# **Project Easements**

For: \_\_\_\_\_  
(Title of project Grantee or District)

**Funded by:** \_\_\_\_\_

\_\_\_\_\_  
(Grantee, District, CDBG, RD, DNR)